

REMARKS

The Office Action mailed September 14, 2004 has been received and reviewed. Claims 57-89 are pending and are rejected. Claims 57 and 79 are amended. For the reasons stated herein, the Applicants submit that the claims are in condition for allowance.

Abstract of the Disclosure

It is unclear to the Applicants whether the Abstract, as previously amended, remains objected to in light of the current Examiner's Response. However, the Applicants note that the prior amendment of the Abstract of the Disclosure is fully in compliance with the MPEP guidelines for the Abstract and entry of the amendment is appropriate.

Rejection Of Claims 57, 58, 60-62, 64-71, 74-76 and 78 Under 35 U.S.C. § 103(a)

Claims 57, 58, 60-62, 64-71, 74-76 and 78 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bishop in view of Badger. The Examiner repeats that Bishop shows a vehicle device that includes a plurality of components that can receive and evaluate radio signals and deactivate the components in the system, and the Examiner adds that since at least one of Bishop's components can operate to prevent operation of the object, Bishop meets the claimed limitation of "any one of the plurality of components . . .to prevent operation of the object." The Examiner repeats that Badger shows a vehicle-disabling system where a component receives a radio signal from flying bodies and permanently disables one of a plurality of components, the disabled component having to be replaced thereafter. The Examiner states that Badger additionally shows a satellite, and the receivers of Badger include decoder logic. Therefore, the Examiner contends that it would have been obvious to have the disabling component disable multiple other components in the vehicle to eliminate the need for disabling elements in every component. The Examiner also states that having

a check sum in a communication for error detection is known, that the term worldwide ID is equivalent to teachings in Badger and Bishop, and that paging signals are well-known. The rejection is overcome.

Claim 57 recites a method for deactivation of an object having a plurality of electronic operating components, each of which comprises an anti-theft device and each of which is in electronic communication with the other electronic operating components of the object to enable the components to check with each other to determine if at least one of the components was able to receive the radio signal to initiate deactivation. Support for amendment of claim 57 is found at paragraph [0027] of the substitute specification submitted by the Applicants on December 4, 2003. Bishop does not disclose or suggest a system where components of the object are in electronic communication with each other as claimed. Rather, Bishop teaches that a single controller unit which receives a radio signal from an external, or potentially airborne, transmitter, then conveys a signal to an in-vehicle transmitter, which then sends a signal to one of possibly multiple relays to enable/disable the relay. While Bishop, at paragraph [0031], may suggest the combining of different types of relay systems (i.e., one high power loop relay and one low power loop relay) to provide redundant forms of enablement/disablement, nothing in Bishop teaches or suggests that the relays themselves intercommunicate to determine if at least one of them has received a radio signal to initiate deactivation as claimed. Badger fails to provide any such teaching. Therefore, Bishop and Badger fail to establish a *prima facie* case of obviousness in view of the fact that there is no motivation to combine the references, the references do not contain any reasonable expectation of success concerning any such combination and the references, in combination, fail to teach each element of the claims. Therefore, claim 57, as well as claims 58-78 which depend from claim 57 and include the limitations thereof, are not obviated by Bishop and/or Badger, either alone or in combination.

Rejection Of Claim 59 Under 35 U.S.C. § 103(a)

Claim 59 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bishop and Badger in view of Besharat. The Examiner repeatedly states that Besharat, in an analogous art, shows an indication to the user that the communication device should be brought within range to improve normal operation of the device, and that it would be obvious to provide an out-of-range error indication. The rejection is overcome for the reasons stated above, namely that Bishop and Badger fail to establish a *prima facie* case of obviousness in view of their respective and combined lack of teaching or suggestion of the claimed invention. Besharat, even if combinable with Bishop and Badger (which the Applicants do not contend that it is), would fail to establish a *prima facie* case of obviousness with respect to claim 59.

Rejection Of Claims 63 and 77 Under 35 U.S.C. § 103(a)

Claims 63 and 77 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Badger and Bishop as applied to claim 57 and further in view of U.S. Patent No. 5,532,690 to Hertel. The Examiner repeats that in analogous art, Hertel shows a vehicle disabling system that disables the vehicle after a time delay, and that it would have been obvious to have employed a time delay disabling device in a vehicle. Again, claims 63 and 77 are not obviated by Bishop and Badger for the reasons stated previously with respect to claim 57. Additionally, Hertel teaches a means of disabling a vehicle upon the exceeding of a set boundary or upon entry into unauthorized territory which requires a monitoring and control system that is contrary to what is taught by Bishop and Badger. Therefore, there is no motivation to combine Hertel with Bishop and Badger, and in light of the fact that Bishop and Badger fail to disclose or suggest the claimed invention, the combination of Hertel would still not obviate that which is claimed.

Rejection Of Claims 72 and 73 Under 35 U.S.C. § 103(a)

Claims 72 and 73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bishop and Badger in view of Szarka. The Examiner repeats that in analogous art, Szarka shows a vehicle disablement system that uses an interrogation-response communication to determine location and authenticity of the vehicle to properly disable the vehicle, and that it would have been obvious to provide such an improved security in the disablement system. The rejection is overcome for the reasons stated previously with respect to the fact that Bishop and Badger fail to establish a *prima facie* case of obviousness. Additionally, Szarka teaches a system where a plurality of non-air borne transmitters transmit a continuous radio signal received by a vehicle such that only upon discontinuity of the radio signal is the vehicle disabled. Even if Szarka were combinable with Bishop and Badger, which the Applicants submit that it cannot, the combination of references would still not obviate that which is required by claims 72 and 73.

Rejection Of Claims 79-84 Under 35 U.S.C. § 103(a)

Claims 79-84 are rejected as being unpatentable over Bishop in view of Badger. Repeating the rejection as to claims 57-78, the Examiner states that Bishop shows a vehicle device that includes a plurality of components that can receive and evaluate radio signals and deactivate the components in the system, and states that paragraph [0031] of Bishop suggests that the embodiments of figures 2a and 2b can be combined into a single embodiment to provide two operating components 203 to control vehicle accessory 205, thereby providing a redundancy in the system. The Examiner repeats that Badger shows a vehicle-disabling system where a component receives a radio signal from flying bodies and permanently disables one of a plurality of components, the disabled component having to be replaced thereafter. The Examiner states that Badger additionally shows a satellite, and the receivers of Badger include decoder logic. Therefore, the Examiner contends that it would have been obvious to have the

disabling component disable multiple other components in the vehicle to eliminate the need for disabling elements in every component. The Examiner also states that having a check sum in a communication for error detection is known, that the term worldwide ID is equivalent to teachings in Badger and Bishop, and that paging signals are well-known. The rejection is traversed.

Claim 79 requires an object having a plurality of electronic operating components each capable of receiving a radio signal from an air-borne source and each being in communication with another to provide confirmation to the other electronic components that a radio signal has been received to initiate deactivation. Bishop fails to teach such structure, as stated previously. While Bishop suggests at paragraph [0031] that the high power loop relay of Fig. 2a and the low power loop relay of Fig. 2b may be combined to provide redundant relays for enablement/disablement, the two relays provide just that, a redundant pathway for enabling/disabling a single component 205. Nothing in Bishop suggests that a plurality of components are in electronic communication with each other to provide intercommunicated confirmation to the other electronic components that a radio signal has been received by one of the plurality of components. Additionally, Bishop fails to teach that a plurality of components is structured to receive a radio signal from an air-borne source as claimed. Rather, Bishop teaches that a single receiver in the car receives the signal from (potentially) an air-borne source and then conveys a signal to an in-vehicle transmitter which in turn transmits a signal to one of the relays. Badger provides no teaching of the structure as claimed. Therefore, Bishop and Badger fail to establish a *prima facie* case for obviousness since the references fail to provide any relevant teaching, the references fail to provide any motivation for combining, fail to teach any reasonable expectation for success in combination and fail to teach each of the claimed elements. Therefore, claims 79-84 are not obviated by Bishop and/or Badger.

Rejection Of Claims 85, 87 and 88 Under 35 U.S.C. § 103(a)

Claims 85, 87 and 88 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bishop and Badger in view of Kaish. The Examiner repeatedly states that in analogous art, Kaish shows a disabling device that renders electronic appliances inoperable to dissuade theft. The Examiner takes official notice that the claimed elements are common well known electronic appliances and it would have been obvious to modify the disabling system to render the electronic keys and smart cards inoperable to deter theft. The rejection is overcome for the reasons stated above with respect to the fact that neither Bishop nor Badger establish a *prima facie* case for obviousness of claim 79 because neither teaches or suggests intercommunicating components as claimed. Additionally, Kaish discloses a method for rendering a device inoperative after the occurrence of a disabling event (see column 3, lines 55-56). Since the claims do not recite a two-step disablement and inoperative structure or process, Kaish, even if combinable with Bishop and Badger, would not obviate claims 85, 87 and 88.

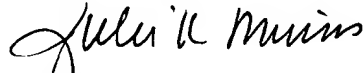
Rejection Of Claims 86 and 89 Under 35 U.S.C. § 103(a)

Claims 86 and 89 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bishop and Badger in view of Rohrbach. The Examiner repeats that in analogous art, Rohrbach shows a disabling device that renders portable telephone appliances inoperable to prevent theft and that it would have been obvious to use a modified disabling system to render a portable telephone appliance inoperable to deter theft. Claims 86 and 89 are not obviated by Bishop or Badger, alone or in combination, for the reasons stated previously with respect to claim 79 (i.e., neither teaches nor suggests that which is claimed with respect to intercommunicating components). Neither does Rohrbach teach a disabling system comprising a plurality of intercommunicating components as claimed. Therefore, the combination of Rohrbach with Bishop and Badger would still not obviate claims 86 and 89.

CONCLUSION

In view of the amendments and arguments presented herein, the Applicants submit that claims 57-89 present patentable subject matter. Reconsideration and allowance are requested.

Respectfully submitted,



Julie K. Morriss

Registration No. 33,263

Attorney for Applicants

MORRISS O'BRYANT COMPAGNI, P.C.

136 South Main Street, Suite 700

Salt Lake City, Utah 84101

Telephone: (801) 478-0071

Facsimile: (801) 478-0076

Date: December 14, 2004